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Transmitted herewith for filing is the patent application of:

Inventor(s): William E. Asher, Richard H. Clarke and Mohammad S. Farahat  
For: METHOD AND APPARATUS FOR MARKING AND IDENTIFYING LIQUIDS  
Enclosed are:

- 15 pages of specification, 5 pages of claims, 1 page of abstract.
- 10 sheets of formal drawings (FIGS. 1-6, 7A-7C and 8-10).
- A Declaration, Petition and Power of Attorney (unexecuted).
- An assignment of the invention to Boston Advanced Technologies, Inc. will follow.
- A Verified Statement (Declaration) Claiming Small Entity Status.
- Certificate of Express Mailing

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## APPLICATION

FOR

UNITED STATES LETTERS PATENT

## SPECIFICATION

TO ALL WHOM IT MAY CONCERN:

Be it known that **William E. Asher, Richard H. Clarke and Mohammad S. Farahat** have invented certain improvements in **METHOD AND APPARATUS FOR MARKING AND IDENTIFYING LIQUIDS** of which the following description, in connection with accompanying drawings, is a specification.

**METHOD AND APPARATUS FOR MARKING AND IDENTIFYING LIQUIDS****Reference to Related Application**

This application is a continuation-in-part of U.S. patent application Serial  
5 No. 08/885,164, filed June 30, 1997.

**Background of the Invention**

The present invention is related to liquid identification. In particular, the present invention involves methods for marking a liquid and methods and systems for the  
10 identification of a liquid using at least one chemical marker.

There is a need for novel markers which are suitable for marking liquids such as petroleum fuels. There is also a need for methods of marking, tagging, or otherwise identifying liquids, and methods for distinguishing such marked liquids from otherwise identical but unmarked liquids.

15 These needs arise primarily from differing price or tax structures of different fuels or even the same fuel used for different purposes. For example, gasoline used for off-highway, non-vehicular purposes such as mining, lumbering or fishing, is commonly taxed at lower rates than that for highway vehicular use. Further, certain grades of oil are used interchangeably for heating oil or for diesel motor fuel. These situations can  
20 lead to abuse of the tax laws and cheating by unscrupulous persons.

It is, of course, necessary that the added chemical marker be capable of quick and relatively simple identification by non-scientific personnel. In other instances and aside from tax matters, there are occasions when it is desirable to mark a particular production batch of fuel or solvent to prove the origin of the material. As is readily apparent, any  
25 marker so used must be added in small concentration, should not affect the physical or chemical properties of the substances to which it is added and should be easily identified by relatively quick and simple means.

It is desirable to have simple, rapid and sensitive methods to detect the presence of one petroleum product in another. Fuels are sometimes mixed for the purpose of  
30 adulterating a higher priced product with a lower priced material, such as the addition of regular grade gasoline to premium gasoline, or for the purpose of evading taxation by the

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addition of low-taxed light heating oil to highly taxed diesel fuel. Other reasons for identifying particular fuels are determination of theft, or locating leaks from storage facilities at service stations, oil terminals, large scale industrial lubrication systems, or automotive transmission and hydraulic systems.

5        Thus, chemical markers are often added to a petroleum product to identify the product for a variety of reasons. Markers are used to differentiate among various grades of fuel. For example, markers are used to distinguish premium from regular grade gasolines, or aviation gasoline from motor gasoline. Markers are also widely employed to identify proprietary or specific brands of fuel from a particular refiner. Further,

10      markers are sometimes required by government regulation to monitor the tax classification of diesel fuel, home heating oil, and kerosenes; in the case of tax classification monitoring, markers are used for the identification of petroleum products that might be substituted illegally for more costly or higher taxed fuels.

          Most fuel markers are characterized by several important chemical properties.

15      They are miscible in fuel, difficult to remove from the product by any simple treatment (e.g. filtering, bleaching, reactive conversion in the fuel), easily identifiable and, in some cases, quantifiable by the user. Further, for both cost and fuel performance reasons, markers are usually deployed in low concentrations, e.g., in the parts per million (volume/volume) range, and must be effective in their role as product identifiers at such

20      low concentrations.

          Markers are often organic dyes, materials with strong absorbency in the visible portion of the electromagnetic spectrum. Thus, a fuel containing such organic dyes immediately provides information to an observer. The red dye, Red-26, is an example of such a marker. Red-26 is used by the IRS to distinguish nontaxed home heating oil in

25      the US from other taxed fuels of similar composition. If red dye is present, no federal taxes have been paid on the product. Presence of red color in the product is taken as evidence of tax evasion if the fuel is sold as taxed commercial diesel.

          In many cases, however, it is desirable that the marker material not be visible in the product. Markers that are not visibly discernible are termed "silent markers." Silent

30      markers identify a product to an authorized tester. However, silent markers do not provide any visual indication of the identity of the product to the regular or non-

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authorized user. Silent markers must also be miscible with the fuel and should be difficult to remove (e.g., by ultrafiltration). Similarly, silent markers must be detectable by a subsequent manipulation of a sample from the product.

In order to detect the presence of a silent marker, many of the existing markers

5 must be extracted by a chemical process. Typically, the chemical process includes shaking a sample of the product with a water-based reagent. The addition of a chemical agent to the water phase causes the extract to turn to a visibly distinct color. The depth of the color indicates the quantity of marker present in the sample. A laboratory measurement in a spectrometer indicates the concentration of marker present in the

10 isolated sample. Comparing the measured concentration with the original concentration of marker in the fuel assists in the identification of the fuel.

In contrast, some silent markers are large organic molecules that either absorb or fluoresce in the near infrared to mark their presence in a fuel sample. US Patent No. 5,525,516 (Eastman Chemical), incorporated herein by reference, and German Patent 15 DE4224301A1 (BASF) describe such markers. In US patent No. 5,525,516, the presence of such a silent marker is detected by exposing the marker to near infrared radiation and then detecting emitted fluorescent light via a near infrared light detection element. However, there are only a finite number of near infrared fluorescing molecules that can serve as silent markers, and many of these molecules are visually detectable.

20 In sum, few practical markers exist, and even fewer practical, silent markers exist. Furthermore, many silent markers are somewhat ill-suited for use in detection systems in that a user must chemically manipulate a sample of the marked product to detect the marker. With the growing drive to prevent brand adulteration of fuel and the widening use of markers around the world for enforcement of taxation, more markers

25 and an improved method of marking are needed.

The invention is next described in connection with certain embodiments; however, it will be clear to those skilled in the art of petroleum product marking that various modifications, additions and subtractions can be made to the described embodiments without departing from the spirit or scope of the invention.

**Summary of the Invention**

The present invention is directed to methods for marking a liquid and methods and systems for identifying marked liquids that are easy to use, inexpensive and allow for the creation of a large family of silent markers.

5        Accordingly, in one aspect of the invention, a liquid can be marked for identification purposes with at least a first marker and a second marker. Each of the markers is miscible with the liquid and each of the markers has an absorbance spectrum with at least one wavelength range where the marker's absorbance is differentiable from the absorbance of the background liquid and any other marker in the liquid. The markers  
10 are mixed in the liquid so that the ratio of the concentration of the first marker to the concentration of the second marker is substantially equal to a predetermined value. Thus, when a system according to the invention measures the concentrations of the first and second markers, the system can compare the ratio of the measured concentration of the first marker to the measured concentration of the second marker with a look up table  
15 of predetermined values to provide information concerning the identity of the liquid.

Another aspect of the invention provides a method for assisting in the identification of a liquid. The method includes the steps of measuring the concentrations of at least a first marker and a second marker in the liquid and comparing the ratio of the measured concentration of the first marker to the measured concentration of the second  
20 marker with a look up table of predetermined values mentioned above so as to assist in the identification of the liquid.

Another version of the invention provides an apparatus for assisting in the identification of a marked liquid. The apparatus includes a vessel for receiving a liquid including at least a first marker and a second marker, a measurement means for  
25 measuring the concentrations of at least the first marker and the second marker in the liquid, and a comparison element for comparing the ratio of the measured concentration of the first marker to the measured concentration of the second marker with a look up table of the predetermined value mentioned above so as to assist in the identification of the liquid.

30        Yet another aspect of the invention essentially provides a quantization solution to the problem of finite markers. This solution provides markers in integral combinations

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to form marking patterns and couples the markers with a dedicated readout detection system. This version of the invention provides a method for creating families of marking patterns for marking liquids. Significantly, the markers can be common organic chemicals with spectroscopically differentiable signatures, and the readout detection 5 systems can be simple, wavelength specific spectrometers, such as a dedicated wavelength colorimeter. More importantly, the invention provides multiple marking patterns, i.e. a family of marking patterns, from repetitive use of a single set of markers.

A preferred embodiment of the invention utilizes absorbance methods, with the marker chosen for characteristic absorbance in the visible, near infrared or mid infrared 10 spectral regions. Markers with characteristic absorption in the near and mid infrared are specifically useful as silent markers. Although with a quantization approach, even markers with characteristic absorption in the visible spectral region can act as silent markers. In addition, Raman light scattering and chemical assays can be used as the detection method, as well as other spectroscopic approaches, such as fluorescence 15 spectroscopy.

According to one embodiment of the invention, at least one marker is added to a fuel in a specific concentration. Each of the marker chemicals has at least one region where its spectroscopic absorbance is differentiable from the background fuel and, importantly, the other added marker chemicals. The marker chemicals are added in 20 concentrations that are integral multiples of a selected basis concentration. Thus, the identity of a liquid can be encoded in a specific combination of quantized marker concentrations.

For example, a premium brand of gasoline can be marked with marker A, at two times the basis concentration, and with marker B, at three times the basis concentration. 25 While a super premium brand can be marked with marker A, at one times the basis concentration, and with marker B, at one times the basis concentration. When the concentrations of the markers are detected, a particular sample of gasoline can be identified by matching the combination of measured concentrations with one of the unique combinations of marker concentrations used to mark each brand of interest. 30 Thus, if upon measurement of the concentrations of the markers, the fuel is found to have marker A and marker B concentrations equal to two and three times the basis

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concentration, respectively, the gasoline is identified as premium brand. Conversely, if the fuel is found to have marker A and marker B concentrations of one half and three quarters the basis concentration respectively, the gasoline is identified as not premium brand and perhaps as adulterated gasoline.

5        The readout device can be an absorbance measurement device tuned to the differentiable absorbance of all the chemicals making up the marking pattern. When a marked sample is introduced into the readout device, the marking pattern is revealed by the characteristic concentration ratios displayed on the readout device, normally in parts per million of each marker component. If the ratios of measured concentrations matches 10 those preset in the marking pattern selected, the product is verified as authentic. Any significant deviation from the expected marking pattern concentration ratios alerts the operator to the potential presence of contaminated or counterfeit fuel.

**Brief Description of the Drawings**

15        These and other features and advantages of the present invention will be more fully understood by reference to the following detailed description in conjunction with the attached drawings in which like reference numerals refer to like elements and in which:

20        FIG. 1 is a schematic representation of a mid-infrared, multi-channel fuel analyzer according to an embodiment of the invention for detection and quantification of fuel markers;

25        FIG. 2 is an illustration of one type of silent marker for marking a gasoline that can be analyzed with the fuel analyzer of FIG. 1;

FIG. 3 is the mid infrared spectrum of the marker shown in FIG. 2;

30        FIG. 4 is the mid infrared spectrum of fuel containing 1% concentration of the marker shown in FIG. 2;

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FIG. 5 is a series of mid infrared spectra of fuel containing different combinations of two marker chemicals, one of the marker chemicals being the marker chemical of FIG. 2;

5 FIG. 6 is a series of mid infrared spectra of fuel containing different combinations of two marker chemicals showing a smaller portion of the spectrum than that shown in FIG. 5;

FIGS. 7A, 7B, and 7C show the infrared spectra of fuel containing the marker of  
10 FIG. 2 and benzylisocyanate in ratios of 4:1, 2:1 and 8:1, respectively;

FIG. 8 is a series of mid infrared spectra of fuel containing different combinations of two marker chemicals, one of the marker chemicals being the marker chemical of FIG. 2 and the other being benzylisocyanate;

15 FIG. 9 is a series of mid infrared spectra of fuel containing different combinations of two marker chemicals showing a smaller portion of the spectrum than that shown in FIG. 8;

20 FIG. 10 is a series of visible spectra of fuel containing Red-26 and FY131SC dyes in different combinations as measured by a device based on the principles of the device shown in FIG. 1.

#### Detailed Description

25 Figure 1 is a schematic representation of a multi-channel fuel analyzer according to an embodiment of the invention for detection and quantification of fuel markers contained in fuel flowing through examination vessel or tube 12. Monitor 10 enables evaluation of fuel in-situ. In large capacity operations, a shunt line is tied into the primary fuel line so as to deliver a measurable stream to monitor 10 representative of the  
30 larger supply of fuel.

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Light source 16, e.g. a heated element acting as a black body radiator, is provided on one side of tube 12 for illuminating the flowing fuel 14. Detectors 20A, 20B, and 20C assigned to channels A, B, and C, respectively, are provided on the other side of the tube for detecting absorption associated with the presence of the assigned fuel marker.

5 Because each detector is assigned to a specific fuel marker of interest, each detector's input is limited to that narrow portion of the electromagnetic spectrum as associated with a selected vibrational mode signature which has been determined to be characteristic of the assigned fuel marker.

Isolation of each detector to an assigned fuel marker is achieved in this

10 embodiment by interposing filters 18A, 18B, and 18C between light source 16 and detectors, 20A, 20B, and 20C, respectively. Each filter passes a narrow band of electromagnetic radiation associated with the signature vibrational mode of the assigned fuel marker. Additional filters and detectors can be employed for detection of yet other markers.

15 The signal leads for lamp 16 and detectors 20A, 20B, and 20C are connected to a processor and control unit 22 for driving of the lamp, for processing of detection signal from the detectors, and for display of readout information at displays 30A (concentration of a first marker), 30B (concentration of a second marker), and 30C (concentration of a third marker). Displays 32 and 34 are also provided for indication of fuel identity and  
20 fuel adulteration.

In operation, as fuel is pumped through tube 12, the light energy 24 from source 16 passes through filters 18A, 18B, and 18C. The filtered radiation 24 covers specific frequency ranges of interest. As shown with respect to channel B, for example, the presence and concentration of a second marker in the fuel is determined when radiation 25 output 26B from filter 18B passes through fuel 14 and detector 20B detects the attenuated beam 28B, representative of the presence and amount of second marker in the fuel. According to Beer's Law, the absorbance due to a marker is directly related to the concentration of the marker in the fuel. Thus, a given detector output is a direct indication of concentration of the detected fuel marker in the tested fuel.

30 The detector output is received and processed in processor and control unit 22. Processor and control unit 22 includes look up table 23 for storing information about

marking patterns, displays 30A, 30B, 30C, 32, and 34 for displaying detection and identification results, comparison element 35 for comparing measured values with values supplied by look up table 23, and receiving element 36 for receiving measured concentration values. As an example, the presence of the second marker and the

5 concentration as volume percent in solution is indicated at display 30B. A receiving element 36 receives signals representative of the measured concentrations of the markers from the processor and control unit 22. The receiving element 36 provides the comparison element 35 with the measured concentrations of the markers. The comparison element 35 can compare the ratio of the measured concentration of the first 10 marker to the measured concentration of the second marker with a predetermined value stored in the look up table 23.

Importantly, a variety of sources, such as visible, mid-infrared, and near-infrared sources, can be used. In addition, the concentration of markers in the liquid can be measured using a fluorescence spectrometer instead of an absorption spectrometer.

15 Furthermore, the concentration of markers in the liquid can be measured using chemical assays or Raman light scattering.

A method, according to one aspect of the invention, for marking a liquid for subsequent identification includes the steps of selecting at least a first marker and a second marker and mixing the markers in the liquid so that the ratio of the concentration 20 of the first marker to the second marker substantially equals a predetermined value. The markers are miscible with the liquid. Furthermore, each of the markers has an absorbance spectrum with at least one wavelength range where the marker's absorbance is differentiable from the absorbance of the background liquid and any other marker in the liquid. Thus measuring the concentrations of the first marker and the second marker, 25 and comparing the ratio of the measured concentration of the first marker to the measured concentration of the second marker with the look up table of the predetermined values assists in identifying the liquid.

One embodiment of a method, according to the invention, includes adding the common organic solvent cyanobenzene (benzonitrile) to gasoline. Figure 2 shows 30 cyanobenzene 40. Cyanobenzene is a colorless liquid, highly miscible with hydrocarbons, and can be synthesized both as natural abundance cyanobenzene and as

cyanobenzene isotopically enriched with  $^{13}\text{C}$ . The carbon - nitrogen (CN) vibration of the cyanobenzene molecule provides a unique sharp mid infrared absorption band 54 at wavenumber  $2230\text{ cm}^{-1}$ . The mid infrared spectrum of cyanobenzene is shown in Figure 3. The mid infrared spectrum of cyanobenzene mixed at about 1% concentration with 5 base gasoline, RFA, is shown in Figure 4. The components of gasoline do not have significant absorption bands in this region of the electromagnetic spectrum.

Isotopically enriched cyanobenzene will have this same sharp mid infrared feature 56 at the same spectral intensity, slightly displaced to a lower frequency (due to the greater nuclear mass of  $\text{C}^{13}$  as compared to  $\text{C}^{12}$ ), and will appear at approximately 10  $2140\text{ cm}^{-1}$ , well resolved from the natural abundance CN band. Thus, one method according to one aspect of the invention, includes adding natural abundance cyanobenzene as a first marker and isotopically enriched cyanobenzene as a second marker.

Other markers that can be used in the present invention include compounds from 15 the class of the phtalocyanine, naphthalocyanine, nickel-dithiolene complexes, aminium compounds of aromatic amines, methine dyes and azulenesquaric acid dyes. These markers fluoresce or absorb at near-infrared wavelengths.

#### Example 1

20 A series 60, 62, 64, 66, and 68 of mid infrared spectrums of fuel containing different combinations of the two marker chemicals, natural abundance cyanobenzene and isotopically enriched cyanobenzene, are shown in Figures 5 and 6. Note that by combining the two marker chemicals in simple concentration ratios, in amounts of 0, 100 and 200 parts per million, this version of the invention defines five unique ways of 25 marking the liquid, i.e. five marking patterns.

These ratios can be expressed by a quantization representation (CN: $^{13}\text{CN}$ ) as 2:0, 0:2, 2:2, 2:1, 1:2. By providing the two above-referenced markers in concentrations corresponding to this quantization representation, FIVE distinct marking patterns are provided from the two marker chemicals. Adding additional multiples of the marker 30 chemicals creates additional marking patterns, all from the same two chemicals.

This illustration provides two key features of the quantization marking pattern approach. First, the specific marker pattern immediately identifies the fuel as authentic by reading out the correct pattern; and second, the measurement of the correct concentrations of the marker chemicals making up the marker pattern establishes that the 5 fuel has not been adulterated. Both features are useful for establishing a successful silent marking system.

### Example 2

A further example is embodied in a family of marking patterns for gasoline made 10 up by adding the two distinct chemicals, cyanobenzene and benzylisocyanate to fuel. Both are miscible in gasoline and other hydrocarbon fuels. Both chemicals have strong, sharp, distinguishable absorbance bands in the mid-infrared at wavenumbers 2230 and 2268  $\text{cm}^{-1}$ , respectively, but with absorbance strength at these frequencies in the approximate ratio of 1:4, also respectively. Further, these two bands are distinct from 15 the background fuel absorbance of gasoline, which contains no chemical components with CN substituents in any of its blendants. The infrared spectra of fuel containing different combinations of the two marker agents (at about 1% concentration) are shown in Figures 7A, 7B, and 7C. In Figure 7A cyanobenzene and benzyl isocyanate have a ratio of concentration of approximately 4:1, respectively. Figures 7B and 7C show ratios 20 of concentration of approximately 2:1 and 8:1, respectively.

A whole family of marking patterns for gasoline is made up from these two marker chemicals as follows. One marker consists of 200 ppm cyanobenzene and 100 ppm benzylisocyanate, resulting in approximately a 1:2 pattern; a second consists of 200 parts-per-million (ppm) cyanobenzene and 25 ppm benzylisocyanate, producing a 25 roughly 2:1 peak intensity ratio; a third has equal intensities of both marker chemicals; a fourth has no cyanobenzene and 100 ppm benzylisocyanate; a fifth has 200 ppm cyanobenzene and no benzylisocyanate. These marking patterns are shown in Figures 8 and 9. A series 70, 72, 74, 76, and 78 of mid infrared spectrums of fuel containing different combinations of the two marker chemicals, natural abundance cyanobenzene 30 and benzylisocyanate, are shown in Figures 8 and 9. Figure 9 shows a smaller portion of

the spectrum than that shown in Figure 8. The characteristic band 54 of cyanobenzene is distinct from the characteristic band 84 of benzylisocyanate.

Note that the ratios do not have to be exact, only the pattern has to be clearly discernible. A simple readout detector system can directly readout the marker concentrations. Such a system consists of an infrared source and filters set to measure the sample absorbance at 2230 and 2268 cm<sup>-1</sup>. One such system is a version of a PetroSpec GS-1000 filter-based infrared gasoline analyzer, available from Boston Advanced Technologies, Inc., located in Marlborough MA, and described in US Patent 5,225,679, incorporated herein by reference. The PetroSpec GS-1000 analyzer can measure chemical components of fuels. The GS-1000 analyzer can function as a readout device with optical filters appropriate for the marker chemicals used and with a cell path length appropriate for the range of concentrations of marker chemicals selected.

Use of this readout system on site would provide the user an instant verification of the nature of the fuel sample as the marker concentrations and their ratios are displayed. The number of marking patterns defined by two marker chemicals is limited only by measurement sensitivity and capability of the readout system. Additional integral combinations of concentrations of two marker chemicals include 2:2, 3:1, 1:3, 3:2, 2:3, 3:3. Note that the actual concentrations used can be adjusted to provide for ease of readout detection depending on the fuel marked and are not limited to the concentration ranges in the examples given.

Again, as in the previous example, any significant deviation from the concentration ratio indicates counterfeit fuel. Additionally, any significant deviation from the preset concentration values of either marker chemical indicates adulteration of the fuel. Thus, markers protect the integrity of a fuel source by indicating counterfeiting and adulteration. The magnitude of a deviation that is considered significant depends on the resolution of the concentration measurement system and the accuracy with which the concentrations of markers is determined at the time of marking the liquid.

Extension to a three chemical marking pattern provides even more marking patterns on the basis of the quantization marker approach. Adding a third chemical similar to the above examples of cyanobenzene and benzylisocyanate, such as an isothiocyanate or benzylcyanate isomers, provides a slightly shifted signature infrared

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band in the 2000 cm<sup>-1</sup> region, and the possibility of a large number of marking patterns. In quantization form such combinations (cyanobenzene/benzylisocyanate/isomer, represented as XYZ) as 100, 010, 001, 110, 101, 011, 111, 210, 021, 012, 211, 121, 112, 221 and other combinations in continuing progression provides a huge inventory of

5 marking patterns, all originating from only three distinct chemicals.

In all the above embodiments of the invention, the marker chemicals have no visible absorbance (no color) and are, therefore, undetectable by visual inspection. This feature makes them ideal candidates for a family of silent markers. Even if visual dyes are added for other purposes, the silent marker nature of the above example is still intact,

10 as long as the added visual dye does not coincidentally have an infrared feature at 2230, 2268 cm<sup>-1</sup>, or any of the other infrared bands utilized in reading out the marking pattern.

Yet another version of the invention can provide silent marker capability even with visual dyes. A unique feature of the invention's quantization approach means that the marker can be coded into a system which is visible to an observer. In an

15 embodiment of the invention in which two dyes are added to a fuel sample that impart color in the same region of the visible spectrum, a combination of the dyes may be added to form a marking pattern that is not evident from the color. Figure 10 shows the absorbance spectrum of two dyes, Morton Red-164 and FY131SC. FY131SC alone is shown by spectrum 90. Red-164 alone is shown in spectrum 98. Spectra 92, 94, and 96  
20 show Red-164 and FY131SC in concentration ratios of 1:1, 2:1, and 5:1, respectively. Both dyes impart a red coloration to fuel. When the two dyes are present together, the fuel still appears red, irrespective of the concentrations -- or ratio of the concentrations -- of either dye present.

25 **Example 3**

The two dyes may constitute a family of markers in the following manner. Figure 10 shows a series of mixtures of Morton 164 (Red-26) and FY131SC in varying parts-per-million concentration ratios from 5:1 to 1:1. All the mixtures appear red to an observer, since an observer cannot differentiate from which dye the color originates. But  
30 a simple readout device set to measure the absorbance at a wavelength specific to each marker dye, 520 nm for Red-26 and 550 nm for 131SC, can readily determine the

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amount of each dye present. A family of silent markers is quickly established on this basis, 5:1, 1:1, 1:5, for example. Each combination is a separate marking pattern and any deviation from the preset ratio and concentration indicates unauthorized or adulterated fuel.

5         Using a PetroSpec DT-100 portable dye analyzer, available from Boston Advanced Technologies, Inc., located in Marlborough MA, set for the above wavelengths and calibrated for the two dyes mixed simultaneously in a gasoline sample, the approach according to the invention was tested on the red dye system. The filters of the DT-100 analyzer were set for the Red-26 and Y131-SC dyes and calibrated for a 10 range of combinations of the two dyes. All samples appeared to be equally red colored to an observer. The DT-100 analyzer measured a series of samples with concentrations made up to a consistent red coloration, and the data obtained is as follows:

15	Actual		Instrument reading	
	FY131SC (ppm,v/v)	Red 26 (mg/L)	FY131SC (ppm,v/v)	Red 26 (mg/L)
Test Solution #1	0	0.0	0	0.0
Test Solution #2	0	2.0	0	1.8
Test Solution #3	50	0.0	47	0.0
Test Solution #4	50	2.0	49	1.9

20         The results indicate that a visible readout device set up to operate on the principle of the DT-100 analyzer is capable of providing a system for silent markers in the visible range of the spectrum.

25         This approach according to the invention can be generalized to other combinations of dye agents to create a marker family of silent markers using a DT-100 analyzer or equivalent device.

30         In sum, the present invention benefits from the recognition that a fuel can be simply and relatively inexpensively marked and subsequently identified by using distinct markers to create quantized marking patterns. It will be understood that the above description pertains to only several embodiments of the present invention. That is, the

description is provided by way of illustration and not by way of limitation. The invention is further characterized according to the following claims.

**What is claimed is:**

1. A method for marking a liquid for identification purposes comprising the steps of:

5 (a) selecting at least a first marker and a second marker, each of the markers being miscible with a liquid, and each of the markers having an absorbance spectrum with at least one wavelength range within which the marker's absorbance is differentiable from the absorbance of the liquid and any other marker in the liquid, and

(b) mixing the markers in the liquid so that the ratio of the concentration of the

10 first marker to the concentration of the second marker substantially equals a predetermined value said value serving as an identifier for the liquid,

whereby measuring the concentrations of the first marker and the second marker, and comparing the ratio of the measured concentration of the first marker to the measured concentration of the second marker with a look up table of the predetermined

15 value assists in identifying the liquid.

2. The method of claim 1 wherein at least one of the markers is an organic dye.

3. The method of claim 1 wherein the first marker is cyanobenzene, and the second

20 marker is isotopically enriched cyanobenzene.

4. The method of claim 1 wherein the first marker and the second marker each have an absorption band in the infrared or visible portions of the electromagnetic spectrum.

25 5. The method of claim 1 wherein the concentration of the first marker and the concentration of the second marker are each a multiple of a selected basis concentration.

6. The method of claim 1 wherein the liquid is a petroleum product.

30 7. The method of claim 6 wherein the petroleum product is gasoline.

8. The method of claim 1 wherein the second marker is formed from the first marker by isotopic substitution of at least one of the atoms of the first marker.

9. A method for assisting in the identification of a marked liquid comprising the 5 steps of:

- (a) measuring the concentrations of at least a first marker and a second marker in a liquid,
  - each of the markers being miscible with the liquid, and
  - each of the markers having an absorbance spectrum with at least one wavelength

10 range where the marker's absorbance is differentiable from the absorbance of the liquid and any other marker in the liquid; and

- the markers being mixed in the liquid so that the ratio of the concentration of the first marker to the concentration of the second marker substantially equals a predetermined value, and

15 (b) comparing the ratio of the measured concentration of the first marker to the measured concentration of the second marker with a look up table of the predetermined values

- so as to assist in identifying the liquid.

20 10. The method of claim 9 wherein the measuring step comprises measuring the concentrations of the markers with an absorption spectrometer.

11. The method of claim 9 wherein the measuring step comprises measuring the concentrations of the markers with a fluorescence spectrometer.

25 12. The method of claim 9 wherein the measuring step comprises measuring the concentrations of the markers with chemical assays.

13. The method of claim 9 wherein the measuring step comprises measuring the 30 concentrations of the markers using Raman light scattering.

14. An apparatus for assisting in the identification of a marked liquid, the apparatus comprising:

(a) a vessel for receiving a liquid including at least a first marker and a second marker,

5 each of the markers being miscible with the liquid, and  
each of the markers having an absorbance spectrum with at least one wavelength range where the marker's absorbance is differentiable from the absorbance of the liquid and any other marker in the liquid; and

10 the markers being provided in the liquid so that the ratio of the concentration of the first marker to the concentration of the second marker substantially equals a predetermined value;

(b) means for measuring the concentrations of at least the first marker and the second marker in the liquid, and

15 (c) comparison element for comparing the ratio of the measured concentration of the first marker to the measured concentration of the second marker with a look up table of the predetermined value so as to assist in the identification of the liquid.

15. The apparatus of claim 14 wherein the measurement means is an absorption spectrometer.

20 16. The apparatus of claim 14 wherein the measurement means is a fluorescence spectrometer.

17. The apparatus of claim 14 wherein the comparison element further comprises  
25 means for determining whether at least the concentration of the first marker and the concentration of the second marker are multiples of a selected basis concentration.

18. The apparatus of claim 14, wherein the comparison element further comprises a dedicated microprocessor.

30 19. A marker composition for identification of a liquid comprising:

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at least a first marker and a second marker, each of the markers being miscible with the liquid, and each of the markers having an absorbance spectrum with at least one wavelength range within which the marker's absorbance is differentiable from the absorbance of the liquid and any other marker in the liquid,

5 the markers being mixable in the liquid so that the ratio of the concentration of the first marker to the concentration of the second marker substantially equals a predetermined value said value serving as an identifier for the liquid,

10 whereby measuring the concentrations of the first marker and the second marker, and comparing the ratio of the measured concentration of the first marker to the measured concentration of the second marker with a look up table of the predetermined value assists in identifying the liquid.

15 20. The marker composition of claim 19 wherein at least one of the markers is not visually detectable in the liquid.

21. The marker composition of claim 19 wherein at least one of the markers is detectable by a characteristic infrared absorption profile.

22. The marker composition of claim 19 wherein at least one of the markers is selected from the group comprising cyanobenzene, benzylisocyanate, phtalocyanine, naphthalocyanine, nickel-dithiolen complexes, aminium compounds of aromatic amines, methine dyes and azulenesquaric acid dyes.

25 20. The marker composition of claim 19 wherein at least one of the markers is an isotopically enriched compound.

24. A method for marking a liquid for identification purposes comprising the steps of:

30 providing a liquid, and

mixing in the liquid a compound that absorbs and/or fluoresces in the mid-infrared range, said compound selected from the group consisting of cyanobenzene,

benzylisocyanate, phtalocyanine, naphthalocyanine, nickel-dithiolene complexes, aminium compounds of aromatic amines, methine dyes and azulenesquaric acid dyes.

whereby measuring the concentrations of the first marker and the second marker, and comparing the ratio of the measured concentration of the first marker to the

5 measured concentration of the second marker with a look up table of the predetermined value assists in identifying the liquid.

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**METHOD AND APPARATUS FOR MARKING AND IDENTIFYING LIQUIDS****Abstract**

A liquid can be marked for identification purposes with at least first and second miscible markers. The markers are mixed in the liquid so that the ratio of the concentration of the first marker to the concentration of the second marker is substantially equal to a predetermined value. Thus, by comparing the ratio of the measured concentration of the first marker to the measured concentration of the second marker with predetermined values the liquid can be uniquely identified. In one embodiment, a multi-channel infrared fuel analyzer (10) is disclosed for identifying fuel samples in an examination vessel or flow tube (12). Radiation source (16) is provided on one side of tube (12) for illuminating the flowing fuel (14). Detectors (20A, 20B, and 20C) assigned to specific channels, are provided on the other side of the tube for detecting absorption associated with the presence of an assigned fuel marker. The infrared light source and detectors can be connected to a processor and control unit (22) for initiation of testing, for processing of detection signal from the detectors, and for display of readout information. Processor and control unit (22) can include a look up table (23) for storing information about marking patterns, a comparison element (35) for comparing measured values with values supplied by look up table (23), and a display (30).

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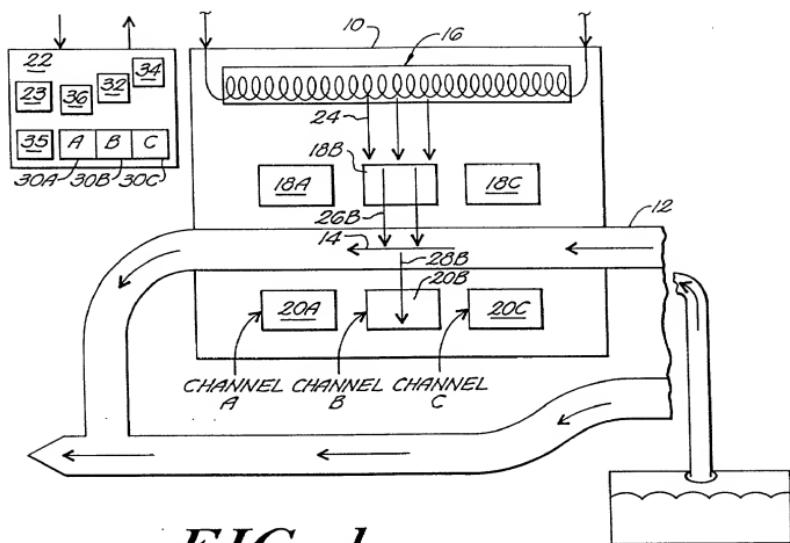


FIG. 1

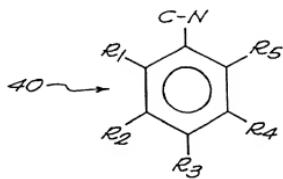


FIG. 2

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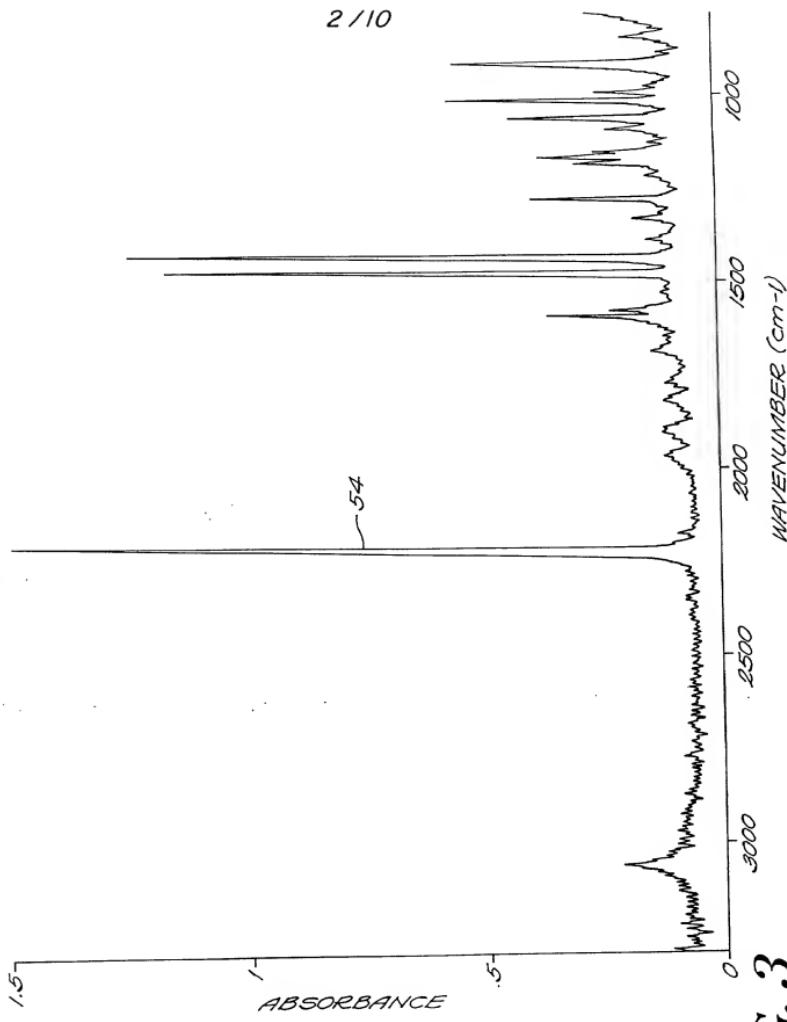


FIG. 3

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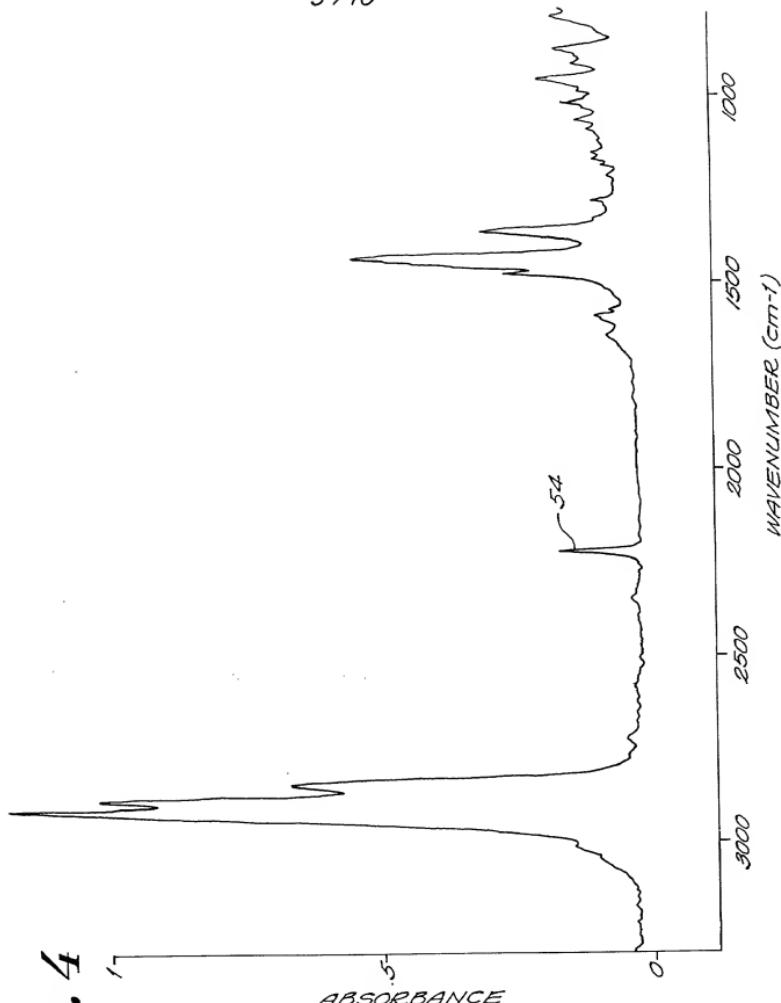
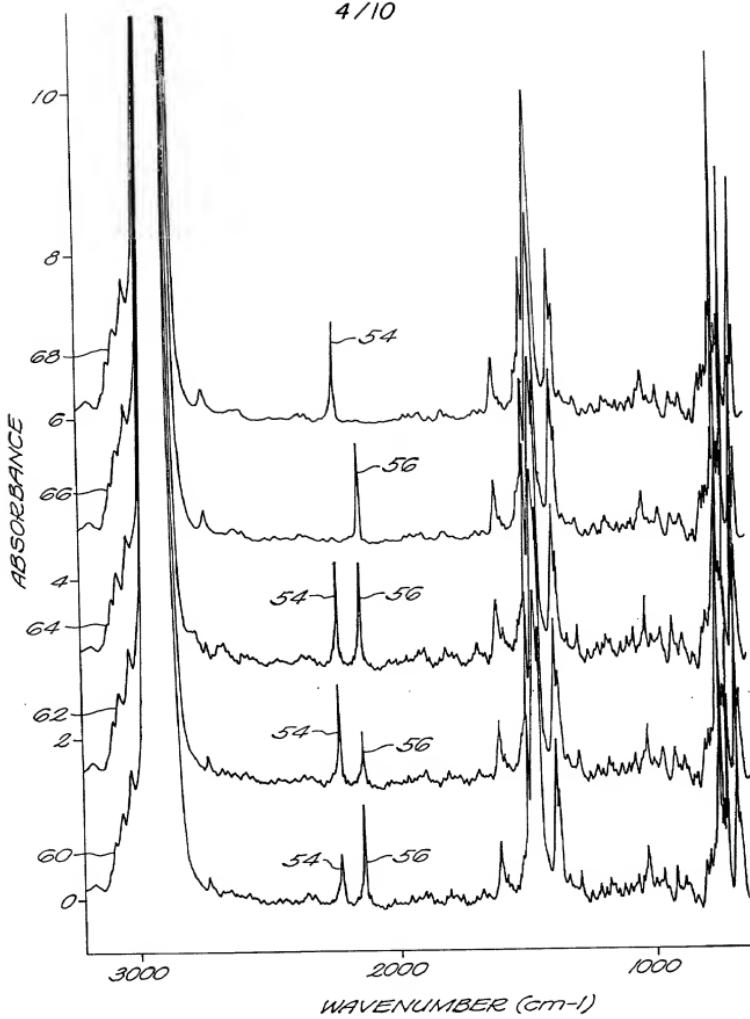


FIG. 4

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**FIG. 5**

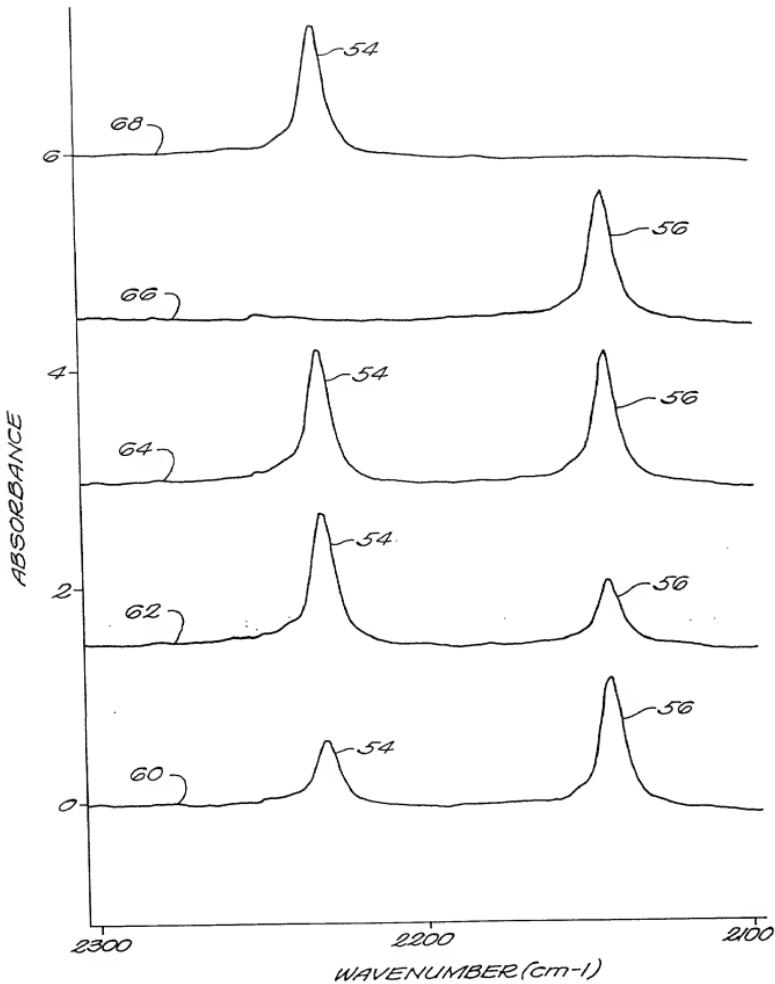
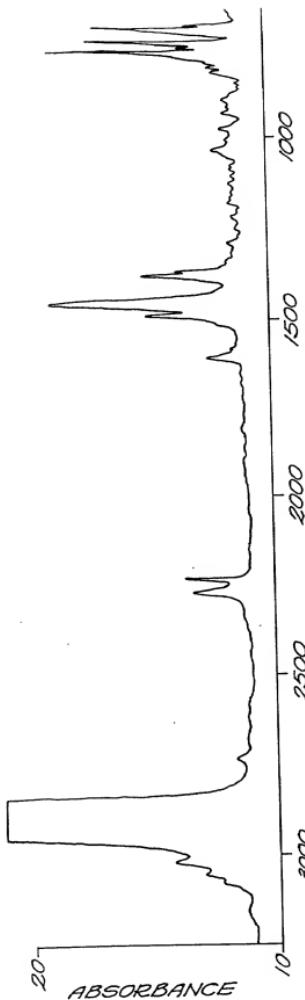


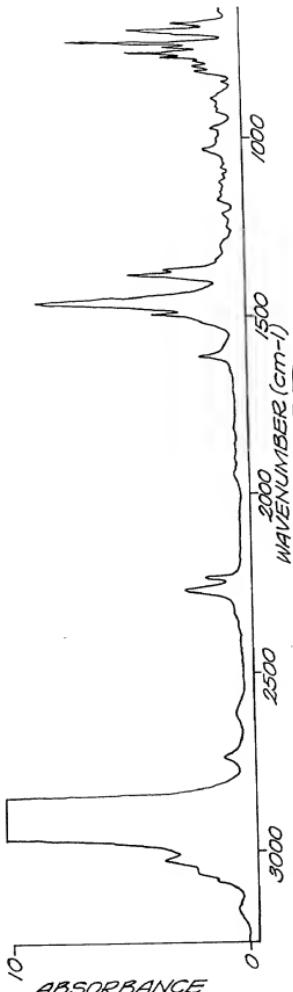
FIG. 6

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**FIG. 7A**



**FIG. 7B**

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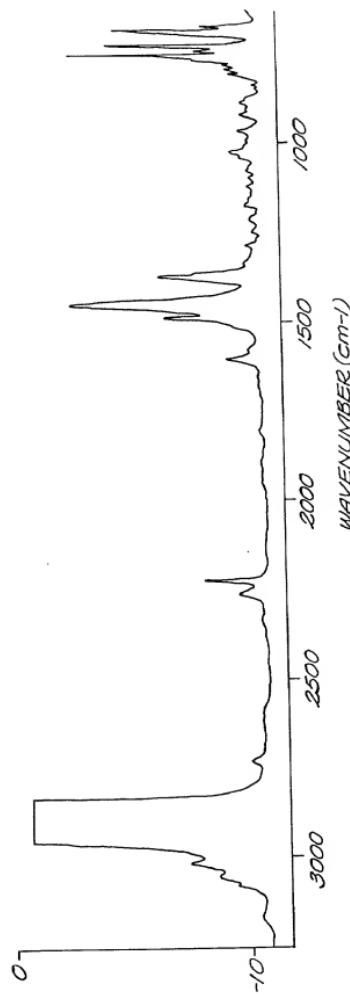
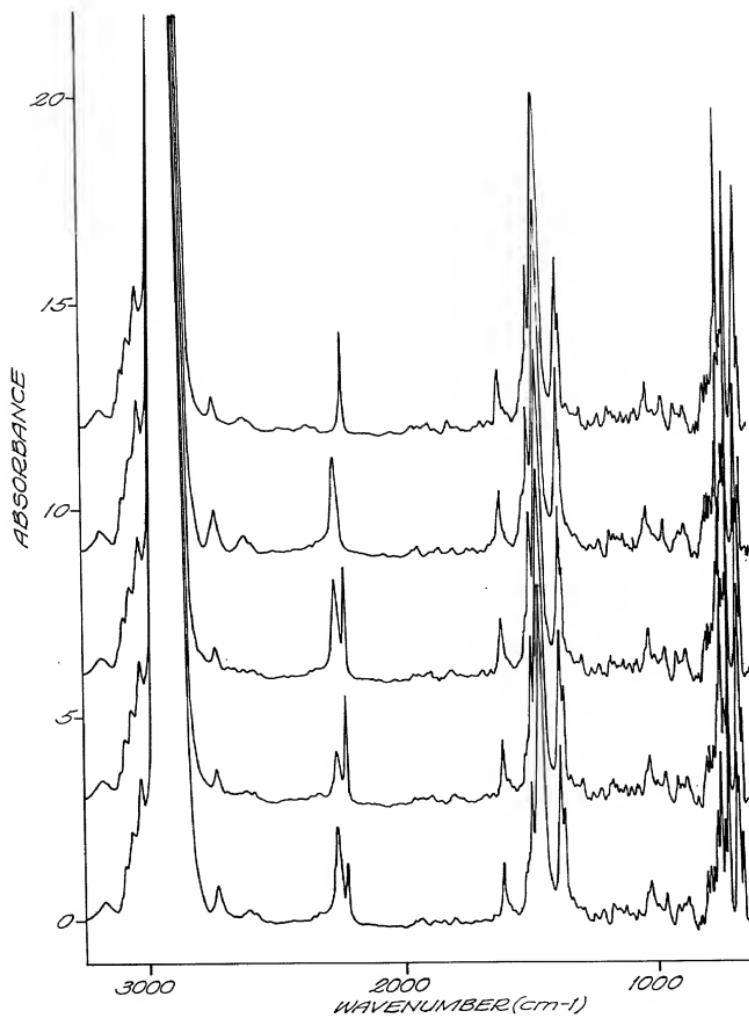


FIG. 7C

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**FIG. 8**

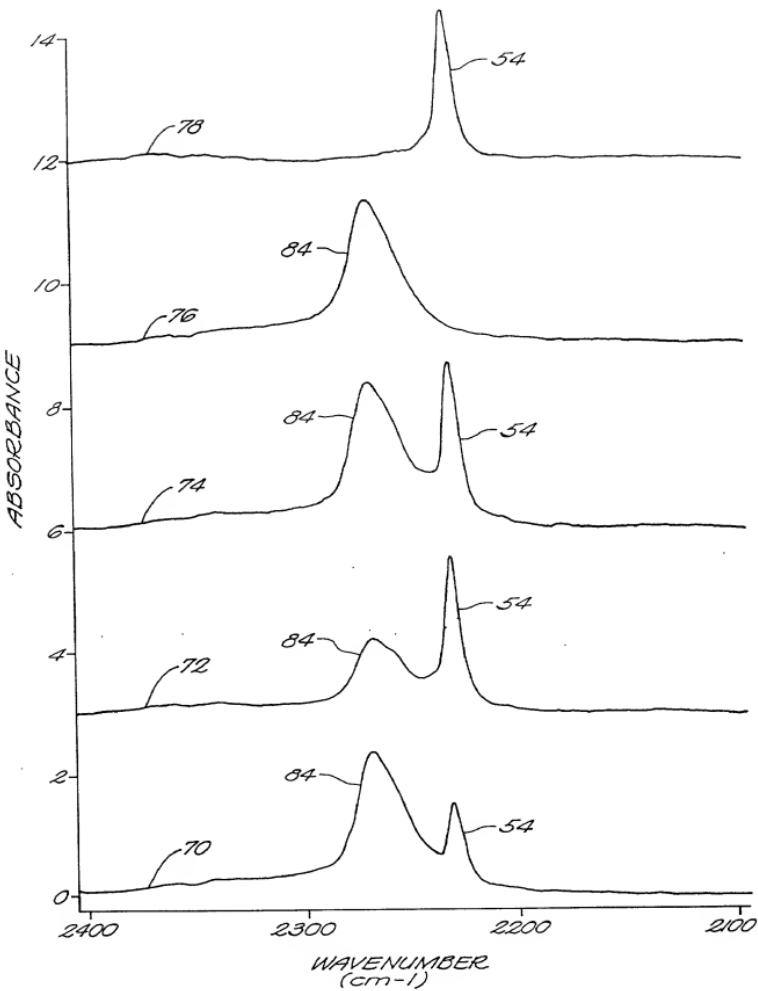
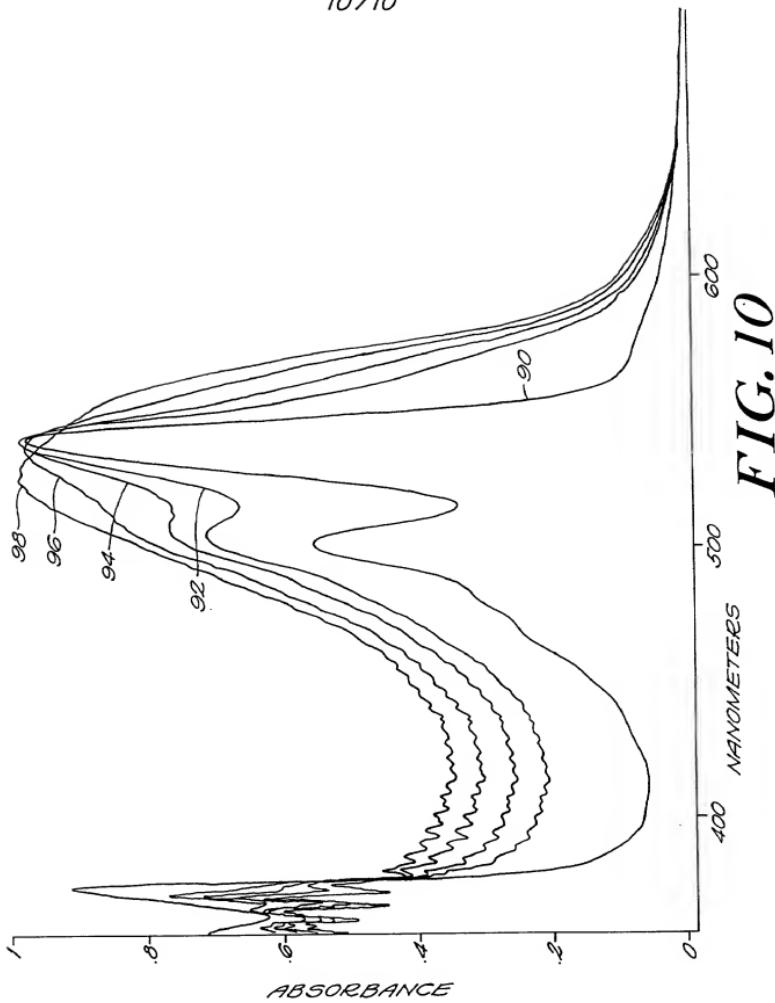


FIG. 9

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*FIG. 10*

Declaration, Petition and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Method and Apparatus for Marking and Identifying Liquids

the specification of which

(check one)

is attached hereto.

I do not know and do not believe that the subject matter of this application was known or used by others in the United States or patented or described in a printed publication in any country before my invention thereof, or patented or described in a printed publication in any country or in public use or on sale in the United States more than one year prior to the date of this application, or first patented or caused to be patented or made the subject of an inventor's certificate by me or my legal representatives or assigns in a country foreign to the United States prior to the date of this application on an application filed more than twelve months (six months if this application is for a design) before the filing of this application; and I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

00-22220-12220-88267290

### CLAIM OF BENEFIT OF EARLIER FOREIGN APPLICATION(S)

I hereby claim priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application(s) for patent or inventor's certificate filed by me on the same subject matter having a filing date before that of the application(s) from which priority is claimed.

Check one:

no such applications have been filed.

such applications have been filed as follows

#### EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			<u> </u> Yes <u> </u> No <u> </u>
			<u> </u> Yes <u> </u> No <u> </u>
			<u> </u> Yes <u> </u> No <u> </u>
			<u> </u> Yes <u> </u> No <u> </u>

#### ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION


CLAIM FOR BENEFIT OF U.S. PROVISIONAL APPLICATION(S)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

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CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any earlier United States application(s) or PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the earlier application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date(s) of the earlier application(s) and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier application(s), if any, described below, I do not know and do not believe that the same was known or used by others in the United States or patented or described in a printed publication in any country before my invention thereof, or patented or described in a printed publication in any country or in public use or on sale in the United States more than one year prior to the date(s) of said earlier application(s), or first patented or caused to be patented or made the subject of an inventor's certificate by me or my legal representatives or assigns in a country foreign to the United States prior to the date(s) of said earlier application(s) on an application filed more than twelve months (six months if this application is for a design) before the filing of said earlier application(s); and I acknowledge that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

08/885,164

June 30, 1997

Pending

(Application Serial No.)

(Filing Date)

(Status)

(patented,pending,aband.)

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(Application Serial No.)

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(Filing Date)

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(Status)

(patented,pending,aband.)

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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Ronald E. Cahill	Reg. No. 38,403
John Christopher	Reg. No. 37,596
Judith C. Crowley	Reg. No. 35,091
Christopher S. Daly	Reg. No. 37,303
Carl M. DeFranco	Reg. No. 32,675
Cedric G. DeLaCruz	Reg. No. 36,498
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Michael I. Falkoff	Reg. No. 30,833
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Nutter, McClellan & Fish, LLP, One International Place, Boston, MA 02110

Direct Telephone Calls to: (name and telephone number)

Thomas J. Engellenner, (617) 439-2948

Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor William E. Asher	
Inventor's signature	Date
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Citizenship United States of America	
Post Office Address (if different) Same As Above	

Full name of second inventor Richard H. Clarke	
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Full name of third inventor Mohammad S. Farahat	
Inventor's signature	Date
Residence 2711 Windsor Ridge Drive, Westboro, MA 01581	
Citizenship United States of America	
Post Office Address (if different) Same As Above	

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00000000000000000000000000000000

Applicant or Patentee: William E. Asher, et al.  
Serial or Patent No.: \_\_\_\_\_  
Filed ~~08/20/98~~ Herewith

Attorney's  
Docket No.: BAE-037CP

Title: Method and Apparatus for marking and identifying liquids

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN

I hereby declare that I am

the owner of the small business concern identified below:

an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Boston Advanced Technologies, Inc.  
ADDRESS OF SMALL BUSINESS CONCERN 257 Cedar Hill Street  
Marlborough, MA 01752

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled Method and Apparatus for Marking and Identifying Liquids by inventor(s) William E. Asher, et al.

the specification filed herewith

application serial no. \_\_\_\_\_, filed \_\_\_\_\_

patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention affering to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
 INDIVIDUAL       SMALL BUSINESS CONCERN       NONPROFIT ORGANIZATION

NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
 INDIVIDUAL       SMALL BUSINESS CONCERN       NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Richard H. Clarke  
TITLE OF PERSON IF OTHER THAN OWNER President, Boston Advanced Technologies, Inc.  
ADDRESS OF PERSON SIGNING 257 Cedar Hill Street  
Marlborough, MA 01752  
SIGNATURE RH Clarke DATE December 22, 1998 01752